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2008 APR -4

DEBRA P. HACKETT, CLERK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

IN The District Court Of The United States
For The Middle District Of Alabama (Original)

Roy Lee McAteer
Plaintiff

vs.

Bob Riley et.al.,
Defendants

Case No. 207-CV-692-WKW
Three Judge District Court Requested

Motion For A Preliminary Injunction And
Temporary Restraining Order

Comes now Roy Lee McAteer, the plaintiff in the above styled cause and pursuant to Rule 65 F.R.C.P. moves this Honorable Court to issue an Order for a Preliminary Injunction and an Immediately Effective Temporary Restraining Order, and in support thereof plaintiff/movant presents the following:

1. In the interests of Justice, and due to plaintiff/movant's pauper status, waiver of security/bond requirement is requested.

2. Plaintiff, in his "Response - To Defendant's Special Report" (Court Document 40) has clearly established a substantial likelihood that he will ultimately prevail on his claims that the Community Notification Act of Alabama is being applied in violation of Plaintiff's Constitutional Rights as a Natural Born Citizen.

3. Where denial of fundamental interests such as Constitutional Rights are involved, damage is presumed to be irreparable and an injunction should issue as a matter of course. United States vs. State of Mich. 508 F.Supp 480.

4. Plaintiff - as a result of the Unconstitutional application of the Alabama Community Notification Act - has clearly shown through his prior arguments that the injuries he will suffer significantly outweigh any harm or aggravation the defendants may incur as a result of the issuance of Restraining Orders and Injunctive Relief.

5. Granting the Temporary Restraining Order and Injunctive Relief will not disserve the public interest. The Alabama Community Notification Act is Constitutionally Infirm when applying the standards of: Baxstrom vs. Herold 15 L.Ed 2d - Specht vs. Patterson 18 L.Ed - Humphrey vs. Cady 31 L.Ed - Addington vs. Texas 60 L.Ed - * Vitek vs. Jones 63 L.Ed - Jones vs. United States 71 L.Ed 2d - Foucha vs Louisiana 118 L.Ed 2d - Benham vs. Edwards 678 F.2d (11th Cir) - Lynch vs Baxley 386 F.Supp, 744 F.2d (11th Cir) - and Birt vs. Wallis 619 F.Supp (11th Cir). Further...

Plaintiff/movant has clearly shown through his prior arguments - "Response-To Defendants Special Report" - that the Alabama Community Notification Act has the "Intent" the "Effect" and the "Purpose" of a Civil Commitment / Mental Health Statute. This invokes application of the following Judicial Language: "As this Court has said, in whatever language a statute may be framed, its purpose must be determined by its natural and reasonable effect." Bailey vs. Alabama 55 L.Ed 191. Also...

Ongoing violations of the Constitutional Rights of any Citizen of this

Nation is a disservice to public interests.

Relief Sought

1. Plaintiff/movant is requesting that this Honorable Court issue an Immediate Temporary Restraining Order prohibiting the defendants from applying the provisions of the Alabama Community Notification Act to himself. Such Order to be effective until such time as a hearing on the Motion for Preliminary Injunction can be had. (Affidavit - Specific Facts Attached).
2. Plaintiff is requesting that this Honorable Court issue an Order of Preliminary Injunctive Relief enjoining the defendants from any application of the Community Notification Act to himself until such time as a ruling or trial on the merits of the complaint can be had.
3. Plaintiff/movant is requesting that this Honorable Court grant any and all other relief which may be deemed just and proper under the premises.

Respectfully submitted this 3rd day of April, 2008.

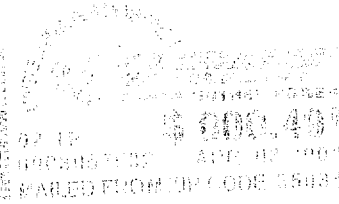
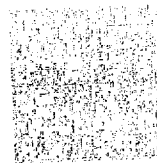
Certificate of Service

I Roy Lee McAteer, do hereby certify that I have served upon the Defendants a true and correct copy of the herein enclosed Documents by placing same, postage pre-paid and properly addressed, in the United States Mail.

Done this 3rd day of April, 2008.

Roy Lee McAteer
Affiant

Ray Lee McAteer 147346
565 Bibb Ln.
Brent, AL 35034



Office of The Clerk
United States District Court
P.O. Box 711
Montg. AL 36101-0711

(Original)

Affidavit - Specific Facts

I have proven through my arguments, "Response-To Defendants' Special Report," (Court Document 40) that CNA of Alabama is Constitutionally infirm. Therefore, for every day that I suffer under the rigorous requirements of this Act I suffer irreparable injury.

Right at this moment I have only slept 3 hours in the last 48 because of worry of incurring criminal charges as a result of my inability to comply with the order of CNA that I acquire an address.

CNA says I am Mentally Ill and imposes an Order of Conditions - A different type of Mental Health Treatment imposed by legislative action which not only runs afoul of the Bill of Attainder Clause-Separation of Powers but also runs afoul of Baxstrom - Specht - Humphrey - Jackson - Vitek - Jones - Foucha - Benham - Baxley - and a plethora of others. - Addington.

I am currently suffering violations of my Constitutional Rights and that is the reason for requesting Immediate Injunctive Relief.

I swear and affirm that the foregoing is true and correct 3rd day of April, 2008.

Roy McAttee
Affiant

Laura Kines
Notary Public

My commission expires 9-1-2010